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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,069	09/15/2006	Karl-Heinz Schumacher	295113US0PCT	6478
22850	7590	01/14/2009	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			SASTRI, SATYA B	
			ART UNIT	PAPER NUMBER
			1796	
			NOTIFICATION DATE	DELIVERY MODE
			01/14/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/593,069	<b>Applicant(s)</b> SCHUMACHER ET AL.	
	<b>Examiner</b> SATYA B. SASTRI	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/15/06, 2/5/07</u> .  | 6) <input type="checkbox"/> Other: _____                          |

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### **DETAILED ACTION**

1. This office action is in response to application filed on Sept. 15, 2006. Preliminary amendment dated Sept. 15, 2006 is made of record. Claims 11-20 are now pending in the application.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 11-16, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Frazee (US 4,923,919).

The prior art to Frazee concerns pressure sensitive adhesive compositions comprising polymers derived from monomers in amounts within the presently claimed range (col. 2, lines 20-30, col. 3, lines 9-16, col. 4, lines 40-48, col. 5, lines 22-33, working examples 1-5). Further, the compositions may be used as emulsions for obtaining tapes, stickers, decals, decorative vinyls etc. (col. 6, lines 17-20, col. 11, lines 50-55, claims 1-3).

In light of above, the presently cited claims are anticipated by the prior art.

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4. Claims 11, 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Patella et al. (US 4,113,540, cited as X-reference in the International Search Report).

The prior art to Patella et al. discloses use of multifunctional monomers in the preparation of emulsions to be used in adhesives. The adhesives compositions comprise vinyl acetate-acrylate or methacrylate emulsion polymer with a polyfunctional unsaturated monomer (abstract). The disclosed polymers include from at least about 2 to 10% by wt. of polyfunctional unsaturated monomer, at least 75% of vinyl acetate and less than 25% of acrylate monomers (col. 1, lines 50-60, col. 2, lines 1-57). The polymers may be prepared by free radical polymerization (col. 4, lines 32-39). Bonding of the substrates may be accomplished by using the emulsions and applying pressure (col. 4-5, bridging paragraph). The adhesives may be used with wood, leather, non woven fabrics, leather goods etc. (col. 5, lines 10-16).

In light of above, the presently cited claims are anticipated by the prior art.

5. Claims 11, 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Mudge (EP 0277516, cited as X-reference in the International Search Report).

The prior art to Mudge discloses adhesive compositions 30-70% by wt. of a vinyl ester, 10-30% by wt. of ethylene, 20-40% by wt. of 2-ethylhexyl maleate or fumarate and 1 to 10% by wt. of monocarboxylic acid and 0-10% of a copolymerizable monomer including diallyl adipate, triallyl cyanurate, butanediol diacrylate, allyl methacrylate etc. The emulsions are useful on any conventional tape or other face stock, especially vinyl films or foils. The adhesives are disclosed as being useful for plasticized PVC substrates (abstract, page 3, lines 6-29, page 4, lines 31-32, claims 1-4).

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In light of above, the presently cited claims are anticipated by the prior art.

6. Prior art to Mayer et al. (WO 93/14161, cited as X-reference in the International Search Report) has been considered but not applied in the instant rejections. This art discloses adhesive compositions comprising (co)polymers with about 1% by wt. of polyunsaturated monomers or less. EP 0950698, also cited as X-reference in the International Search Report, is cumulative to art applied reject instant claims.

### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satya Sastri at (571) 272 1112. The examiner can be reached on Wednesdays and Fridays, 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Satya B Sastri/

Examiner, Art Unit 1796